

## **REMARKS**

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed on January 29, 2007. Claims 1-24 are rejected. In this Amendment, claims 1-4, 9, 13, 14 and 18 have been amended. No new matter has been added. No claims have been canceled. Therefore, claims 1-24 are presented for examination.

### **Amendments to Specification**

The disclosure is objected to for informalities. The informalities have been corrected. Accordingly, applicant respectfully requests that the objection to the disclosure be removed.

The current Office Action states, "[t]he following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use, especially with the bold items (g) Brief summary of the invention and (h) Brief Description of the several views of the drawings." (Office Action, 1/29/2007, page 3).

Applicants would like to kindly point out that both the M.P.E.P. and 37 C.F.R. §1.73 do not require the presence of a "Summary of the Invention" in a patent application. They merely indicate where in the application the "Summary of the Invention" should be placed if Applicants were to elect to include one.

In particular, 37 C.F.R. §1.73 only states that "[a] brief summary of the invention ... should precede the detailed description." 37 CFR § 1.73 does not state "must" or "shall." Accordingly, Applicants have elected not to include a "Summary of the Invention" as this is within the discretion of Applicants.

### **Claim Objections**

Claims 3 and 9 were objected to for informalities. The informalities have been corrected.

Claims 14 and 18 were objected to under 37 CFR 1.75(c) as being of improper dependent form for failure to further limit the subject matter of a previous claim. Claims 14 and 18 have been amended to place them in proper dependent form. Accordingly, applicant respectfully requests that Examiner remove his objections.

### **Summary of Rejections**

Claims 14 and 18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4, 6-16 and 18-24 stand rejected under 35 U.S.C. 102(e) as being anticipated by Gehrman et al. (U.S. Pub. No. 2004/0176071, hereinafter "Gahrman").

Claims 5 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gehrman.

Claims 1, 2 and 13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 11, 15, 19 and 23 of co-pending Application No. 10/977,158 (U.S. Publication No. 2006/0075259).

### **Claim Rejections under 35 U.S.C. § 112**

Claims 14 and 18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 14 and 18 are amended herein to place them in a

definite form. Therefore, applicant respectfully requests that Examiner remove his rejections under 35 U.S.C. § 112.

### **Claims 1-12**

Claims 1-4, 6-16 and 18-24 stand rejected under 35 U.S.C. 102(e) as being anticipated by Gehrman. Claims 5 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gehrman.

As amended, claim 1 recites:

A method comprising:  
exchanging data between a SIM device and an application executed in a trusted platform via a trusted path within a computer system, the **trusted path being a path through a trusted port of a chipset**, wherein the data to be exchanged is secured from unauthorized access.

(emphasis added).

Gehrman discloses a method and system for granting a client communications terminal (e.g., personal digital assistant (PDA)) access to a subscription module (SIM) of a server communications terminal (e.g., cellular phone). (Gehrman, page 1, paragraph [0001]). Security is achieved in Gehrman by authenticating the client communications terminal using a key-based authentication procedure prior to granting a client communications terminal access to the SIM, an example of which is discussed in paragraph [0065]. (Gehrman, page 1, paragraph [0011]).

A key-based authentication procedure is not the same as a trusted port of a chipset. To achieve a secure connection using a key-based authentication procedure, encrypted data is exchanged that must be decrypted using the keys. Such **security is**

**based on the encryption keys.** In contrast, security achieved using a trusted port is **based on characteristics of the port.**

The current Office Action states that Gehrman discloses "... the application accessing the encryption key via a trusted port of a chipset (e.g., paragraphs [0064]-[0065])." (Office Action, 1/29/2007, page 9). The applicant respectfully disagrees with this assertion, and submits that such a reading of Gehrman is inapposite.

Neither paragraphs [0064] nor [0065] disclose the use of a trusted port of a chipset. In fact, Gehrman does not suggest anywhere that a trusted port of a chipset can be used. In contrast, claim 1 discloses exchanging data using a trusted path, the trusted path being a path through a trusted port of a chipset.

Accordingly, the applicant respectfully asserts that Claim 1 as amended is not anticipated by Gehrman, and requests the removal of the rejections under 35 U.S.C. 102(e) to claim 1 and its dependent claims.

### **Claims 13-24**

Claims 1-4, 6-16 and 18-24 stand rejected under 35 U.S.C. 102(e) as being anticipated by Gehrman. Claims 5 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gehrman.

As amended, claim 13 recites:

A system comprising:  
a processor;  
a memory having a protected section and an unprotected section;  
a SIM device; and  
**a chipset having a trusted port** to exchange data between the SIM device and an application executed in a trusted platform, wherein the data to be exchanged is secured from unauthorized access.

(emphasis added)

Gehrmann discloses a method and system for granting a client communications terminal (e.g., personal digital assistant (PDA)) access to a subscription module (SIM) of a server communications terminal (e.g., cellular phone). (Gehrmann, page 1, paragraph [0001]). Security is achieved in Gehrmann by authenticating the client communications terminal using a key-based authentication procedure prior to granting a client communications terminal access to the SIM, an example of which is discussed in paragraph [0065]. (Gehrmann, page 1, paragraph [0011]).

A key-based authentication procedure is not the same as a trusted port of a chipset. To achieve a secure connection using a key-based authentication procedure, encrypted data is exchanged that must be decrypted using the keys. Such **security is based on the encryption keys**. In contrast, security achieved using a trusted port is **based on characteristics of the port**.

The current Office Action states that Gehrmann discloses "... the application accessing the encryption key via a trusted port of a chipset (e.g., paragraphs [0064]-[0065])." (Office Action, 1/29/2007, page 9). The applicant respectfully disagrees with this assertion, and submits that such a reading of Gehrmann is inapposite. Neither paragraphs [0064] nor [0065] disclose the use of a protected port of a chipset. In fact, Gehrmann does not even suggest anywhere that a trusted port of a chipset can be used. In contrast, claim 13 discloses a chipset having a trusted port to exchange data between the SIM device and an application executed in a trusted platform.

Accordingly, the applicant respectfully asserts that Claim 13 as amended is not anticipated by Gehrmann, and requests the removal of the rejections under 35 U.S.C. 102(e) to claim 13 and its dependent claims.

## **Double Patenting**

Claims 1, 2 and 13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 11, 15, 19 and 23 of co-pending Application No. 10/977,158 (U.S. Publication No. 2006/0075259).

### **Claims 1-2**

The applicants respectfully assert that claims 1 and 2 of the present application are patently distinct from the reference claims. As amended, claim 1 recites:

A method comprising:  
exchanging data between a SIM device and an application executed in a trusted platform via a trusted path within a computer system, the **trusted path being a path through a trusted port of a chipset**, wherein the data to be exchanged is secured from unauthorized access.

(emphasis added).

None of the reference claims disclose a trusted path within a computer system, much less a trusted path being a path through a trusted port in a chipset. In contrast, claim 1 discloses a trusted path being a path through a trusted port of a chipset. Therefore, claims 1 and 2 are not anticipated or obvious over the reference claims. Accordingly, application respectfully requests that Examiner remove his rejections to claims 1 and 2 for double patenting.

### Claim 13

The applicants respectfully assert that claim 13 of the present application is patently distinct from the reference claims. As amended, claim 13 recites:

A system comprising:  
a processor;  
a memory having a protected section and an unprotected section;  
a SIM device; and  
**a chipset having a trusted port** to exchange data between the SIM device and an application executed in a trusted platform, wherein the data to be exchanged is secured from unauthorized access.

(emphasis added).

None of the reference claims disclose a chipset having a trusted port, much less a trusted port to exchange data between the SIM device and an application executed in a trusted platform. In contrast, claim 13 discloses a chipset having a trusted port to exchange data between the SIM device and an application executed in a trusted platform. Therefore, claim 13 is not anticipated or obvious over the reference claims. Accordingly, application respectfully requests that Examiner remove his rejections to claim 13 for double patenting.

### **Conclusion**

Accordingly, Applicant respectfully requests the withdrawal of the rejections and submits that pending claims 1-24 are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Benjamin Kimes at (408) 720-8300.

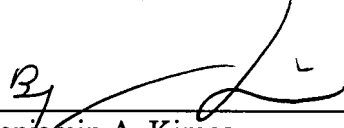
### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

Dated: April 30, 2007

  
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